

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 232.2.6 to permit a sideyard/setback of 0 feet instead of the required 10 feet and 20 feet, respectively.

of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)
Practical difficulty because of width of lot

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

ORDERED By The Zoning Commissioner of Baltimore County, this 5th day of December, 1984, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 7th day of January, 1985, at 10:15 o'clock A.M.

Carl Jahn
Zoning Commissioner of Baltimore County.

(over)

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for Service Garage

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

ORDERED By The Zoning Commissioner of Baltimore County, this 5th day of December, 1984, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 7th day of January, 1985, at 10:15 o'clock A.M.

Carl Jahn
Zoning Commissioner of Baltimore County.

(over)

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Zoning Commissioner
FROM: Norman E. Gerber, Director
Office of Planning and Zoning
SUBJECT: Zoning Petition No. 85-184-XA
William T. Stevens, et ux

Date: January 3, 1985

In reviewing the site plan, this office is concerned with what appears to be a relatively small site that is proposed for additional development that would tend to overcrowd the property. Were the proposed building reduced in size, a lesser variance could be requested, ample area could be available for landscaping, and the site would not appear to be so intensively utilized.

Norman E. Gerber
Norman E. Gerber, Director
Office of Planning and Zoning

NEG/JGH/sf

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 31, 1984

COUNTY OFFICE BLDG.
111 M. Chesapeake Ave.
Towson, Maryland 21204

MEMBERS
Nicholas B. Commodari
Chairman
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Mr. and Mrs. William T. Stevens
2002 Dulany Valley Road
Timonium, Maryland 21093

RE: Item No. 91 - Case No. 85-184-XA
William T. Stevens, et ux
Special Exception and Variance
Petitions

Dear Mr. and Mrs. Stevens:
The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

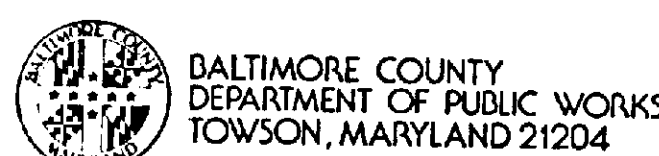
Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc

Enclosures

cc: Gerhold, Cross & Etzel
412 Delaware Avenue
Towson, Maryland 21204



HARRY J. PISTEL, P.E.
DIRECTOR

November 16, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #91 (1984-1985)
Property Owner: William T. Stevens, et ux
N/S Philadelphia Rd. 740' S/W from center-line Seling Avenue
Acres: 0.32
District: 14th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General Comments:

There is an existing 12-inch storm drain traversing the westernmost side of the site, which is part of the State Highway Administration's storm drain outfall for Philadelphia Road (Route 7). The Petitioner is cautioned that no permanent structure can be constructed over this pipe.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

In accordance with Baltimore County Council Grading Ordinance (Bill No. 10-77) a grading plan shall be approved and a Performance Bond posted prior to issuance of a grading permit. The number of square feet of land disturbed shall be indicated on the sediment control drawing.

James K. Markle
JAMES K. MARKLE, P.E., Chief
Bureau of Public Services

JAM:EAM:PHO:sa



William K. Hellmann
Secretary
Hal Kassoff
Administrator

October 17, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Attention: Mr. N. Commodari

Re: ZAC Meeting of 10-9-84
ITEM: #91.
Property Owner: William T. Stevens, et ux
Location: N/S Philadelphia Road, Route 7, 740' S/W from c/l Seling Avenue
Existing Zoning: B.L.
Proposed Zoning: Special Exception for service garage and Variance to permit a side yard setback of 0' in lieu of the required 10'.
Acres: 0.32
District: 14th

Dear Mr. Jablon:

On review of the site plan of 9-27-84 and field inspection the State Highway Administration will require the plan to be revised.

The revised plan must show a barrier curb along the right of way line of the proposed parking areas.

My telephone number is (301) 659-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-482-5062 Statewide Toll Free
P.O. Box 717 707 North Calvert St., Baltimore, Maryland 21203 - 0717

MAY 15 1985

CASE NO. 85-184-XA

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 M. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 5th day of December, 1984

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

Petitioner: Mr. T. Stevens, et ux
Petitioner's Attorney

Received by: *Nicholas B. Commodari*
Nicholas B. Commodari
Chairman, Zoning Plans Advisory Committee

BUREAU OF ENGINEERING - BALTIMORE COUNTY, MD

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations

Mr. A. Jablon

-2-

October 17, 1984

It is requested that the plan be revised prior to a hearing date being set.

Very truly yours,

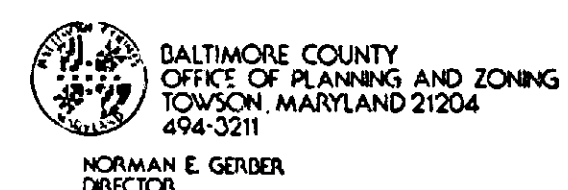
Charles Lee
Charles Lee, Chief
Bureau of Engineering
Access Permits

By: George Wittman

CL:GW:maw

Attachment

cc: Mr. J. Ogle



Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

10/18/84
Re: Zoning Advisory Meeting of 10/18/84
Item # 91
Property Owner: William T. Stevens, et ux
Location: N/S Philadelphia Rd.
SW of Seling Ave.

Dear Mr. Jablon:

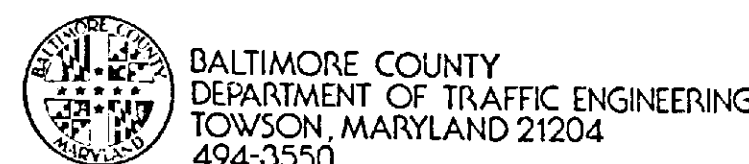
The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- () There are no site planning factors requiring comment.
- (X) A County Review Group Meeting is required.
- () A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- () A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access is not satisfactory.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () Parking calculations must be shown on the plan.
- () This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- () Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The amended Development Plan was approved by the Planning Board on _____.
- (X) Landscaping should be provided on this site and shown on the plan.
- () The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is _____.
- () The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- (X) Additional comments:

*Landscaping Plan will be required as per Landscape Manual
Standard. Parking for compact cars may not
be included in parking requirements.*

Eugene A. Bolin
Eugene A. Bolin
Chief, Current Planning and Development

cc: James Howell



STEPHEN E. COLLINS
DIRECTOR

October 16, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 91 -ZAC- Meeting of October 9, 1984
Property Owner: William T. Stevens, et ux
Location: N/S Philadelphia Road 740' S/W from c/l Seling Avenue
Existing Zoning: B.L.
Proposed Zoning: Special exception for service garage and variance to permit a side yard setback of 0' in lieu of the required 10'.

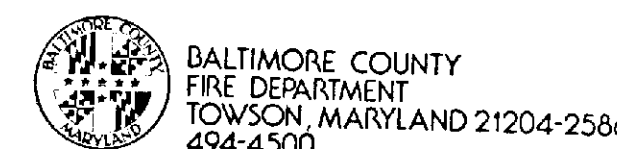
Acres: 0.32
District: 14th

Dear Mr. Jablon:

All access to this site must be by the 20' right-of-way along the eastern property line of the site.

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineering Assoc. II

MSP/can



PAUL H. REINCKE
CHIEF

October 26, 1984

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: William T. Stevens, et ux

Location: N/S Philadelphia Rd. 740' S/W from c/l Seling Avenue

Item No.: 91. Zoning Agenda: Meeting of 10/9/84

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- (X) 1. Fire hydrants for the referenced property are required and shall be located at intervals or 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

- () 2. A second means of vehicle access is required for the site.

- () 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

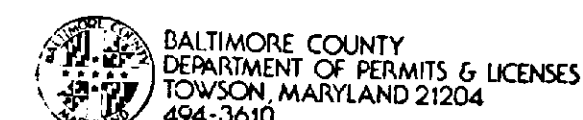
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

- () 6. Site plans are approved, as drawn.

- () 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *George M. Hegmann* Approved: *George M. Hegmann*
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb



TED ZALESKI JR.
DIRECTOR

October 24, 1984

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 91 Zoning Advisory Committee Meeting are as follows:

Property Owner: William T. Stevens, et ux
Location: N/S Philadelphia Road 740' S/W from c/l Seling Avenue
Existing Zoning: B.L.
Proposed Zoning: Special exception for service garage and variance to permit a side yard setback of 0' in lieu of the required 10'.

Acres: 0.32
District: 14th.

The items checked below are applicable:

- (A) All structures shall conform to the Baltimore County Building Code 1981/Council Bill 14-82 State of Maryland Code for the Building and Agri; and other applicable Codes.

- (B) A building/ & other miscellaneous structures shall be required before beginning construction.

- (C) Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.

- (D) Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.

- (E) An exterior wall erected within 6'0" for commercial uses or 3'0" for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction. No openings permitted within 3'0" of lot lines. A fire wall is required if construction is on the lot line, see Table 401, line 2, Section 1407 and Table 1402, also Section 503.2.

- (F) Requested variance appears to conflict with the Baltimore County Building Code, Section/s _____.

- (G) A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.

- (H) Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 401.

- (I) Comments - The distance between the structures will determine the fire rating required of both structures. If the distance is over 12'-0" the ratings are not as critical. See Table 401 Exterior walls and Section 1414.0 for opening protective. The new structure would be classified as an S-1 Use Group and shall comply with Table 309.1.

NOTES: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,

Charles E. Burman
Charles E. Burman, Chief
Plans Review

CEB:es

MAY 15 1985

RE: PETITION FOR SPECIAL EXCEPTION: BEFORE THE ZONING COMMISSIONER
PETITION FOR VARIANCES
N/S of Philadelphia Rd., 740' : OF BALTIMORE COUNTY
W of the Centerline of Selling
Ave., 14th District
WILLIAM T. STEVENS, et ux, : Case No. 85-184-XA
Petitioners

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 19th day of December, 1984, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. William T. Stevens, 2002 Dulaney Valley Rd., Timonium, MD 21093, Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

CARL L. GERHOLD
PHILIP G. CROSS
JOHN P. ETZEL
WILLIAM G. BLINCH
GORDON T. LANGDON

GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
412 DELAWARE AVENUE
TOWSON, MARYLAND 21204
823-4470

September 28, 1984

Zoning Description

All that piece or parcel of land situate, lying and being in the Fourteenth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point in the center of Philadelphia Road (Md. Rte. 7) at the distance of 740 feet more or less southeasterly from the center of Selling Avenue and running thence and binding on the center of Philadelphia Road South 57 degrees 07 minutes West 121.65 feet, thence leaving Philadelphia Road, North 9 degrees 34 minutes West 177.50 feet, North 53 degrees 58 minutes East 50 feet and South 33 degrees 21 minutes East 165.77 feet to the place of beginning.

Containing 0.32 of an Acre of land more or less.



Mr. and Mrs. William T. Stevens
2002 Dulaney Valley Road
Timonium, Maryland 21093

NOTICE OF HEARING

RE: Petition for Special Exception and Variances
N/S Philadelphia Rd., 740' W of the c/l of
Selling Avenue
William T. Stevens, et ux - Petitioners
Case No. 85-184-XA

TIME: 10:15 a.m.

DATE: Monday, January 7, 1985

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 134325

DATE: 12/1/84 ACCOUNT: R-01-615-000

AMOUNT: \$200.00

RECEIVED FROM: William T. Stevens

FOR: Special Exception and Variances

6 072*****2003014 2015F

VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR SPECIAL EXCEPTION
AND
VARIANCES

14th Election District

LOCATION: North side of Philadelphia Road, 740 feet West of the centerline of Selling Avenue

DATE AND TIME: Monday, January 7, 1985 at 10:15 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for a service garage, and Variances to permit side yard and rear yard setbacks of 0 feet instead of the required 10 feet and 20 feet, respectively.

Being the property of William T. Stevens, et ux, as shown on plat plan filed with the Zoning Office.

In the event that these Petitions are granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

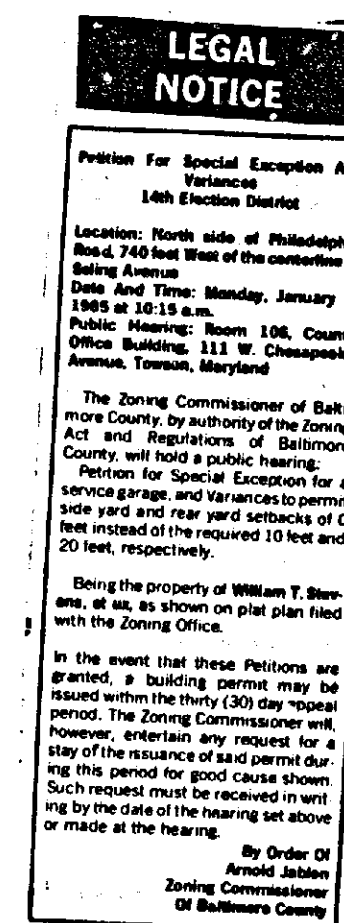
ORIGINAL

CERTIFICATE OF PUBLICATION

Dundalk, MD., 12/27, 1984

THIS IS TO CERTIFY, that the annexed advertisement was published in THE BALTIMORE COUNTY JOURNAL, a weekly newspaper, published in Dundalk, Baltimore County, Maryland, appearing on 12/20, 1984

The Baltimore County Journal,
A. J. J. J.
Publisher



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 14th Date of Posting: 12/17/84

Posted for: Special Exception and Variances. For Service Garage and Yard Setback

Petitioner: William T. Stevens et ux

Location of property: N/S Phil. Rd., 740' W of Selling Ave., 21227

Location of Signs: Selling Ave. Rd., Across S. From Road W. 21227

Remarks: Property of Petitioner

Posted by: M. J. J. J. Signature

Number of Signs: 2 Date of return: 12/17/84

CERTIFICATE OF PUBLICATION

TOWSON, MD., December 20, 1984

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on December 20, 1984

THE JEFFERSONIAN,

13 Kenton

Publisher

Cost of Advertising 20.00



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

December 27, 1984

Mr. and Mrs. William T. Stevens
2002 Dulaney Valley Road
Timonium, MD 21093

RE: Petition for Special Exception and Variances
N/S Philadelphia Rd., 740' W of the c/l of
Selling Avenue
William T. Stevens - Petitioners
Case No. 85-184-XA

Dear Mr. and Mrs. Stevens:

This is to advise you that \$50.00 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 003175

DATE: 12/1/85 ACCOUNT: R-01-615-000

AMOUNT: \$50.00

RECEIVED FROM: William T. Stevens

FOR: Special Exception and Variances

6 001*****000000 2015F

VALIDATION OR SIGNATURE OF CASHIER

IN RE: PETITIONERS SPECIAL EXCEPTION AND VARIANCES
N/S of Philadelphia Road,
740' W of the centerline of
Selling Avenue - 14th Election
District
William T. Stevens, et ux,
Petitioners
Case No. 85-184-XA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special exception for a service garage and, additionally, variances to permit a side yard setback of zero feet instead of the required ten feet and a rear yard setback of zero feet instead of the required twenty feet, as more particularly described on Petitioners' Exhibit 1.

The Petitioners appeared and testified. Timothy Kennard, an adjoining neighbor, appeared as a Protestant and was represented by Counsel.

Testimony indicated that the subject property, zoned B.L. and containing approximately one-third of an acre, was purchased about five years ago in order to open a real estate office. The existing dwelling had previously been used as residence for 35 years. After purchasing the property, the Petitioners decided instead to convert the dwelling to a barber shop, beauty shop, and ceramic shop. Subsequent thereto, the tenants have recently vacated the premises. The Petitioners now wish to construct a 44' x 30' building for a service garage containing two bays, an office, and bathroom facilities. The dwelling will remain. The property fronts Philadelphia Road and is almost triangular in shape, i.e., 121' x 166 feet x 50' x 177'. The dwelling is situated on the east side of the property, and the garage is proposed to be located to the rear with parking on the west side adjoining a school bus parking lot owned by the Baltimore County Board of Education.

ORDER RECEIVED FOR FILING
DATE: 12/1/84 BY: [Signature]

MAY 15 1985

ORDER RECEIVED FOR FILING

DATE January 16, 1985

BY John P. Kelly

ADMINISTRATIVE ASSISTANT

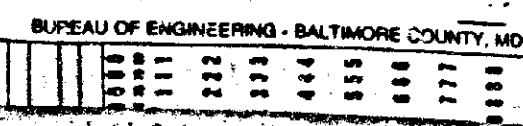
land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1 having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception and variances should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 16 day of January, 1985, that the Petition for Special Exception for a service garage and, additionally, the Petition for Zoning Variances to permit a side yard setback of zero feet instead of the required ten feet and a rear yard setback of zero feet instead of the required twenty feet be and are hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. Approval by the County Review Group (CRG).
2. Upon obtaining CRG approval, the Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
3. The hours of operation shall be from 7:00 a.m. to 9:30 p.m., Monday through Saturday. General office work may be performed at any time.
4. No flood lights or other lights shall be aimed directly or indirectly at Mr. Kennard's residence.
5. The existing fence must be maintained in good repair and no barbed wire shall be erected.
6. Compliance with the requirements of the Baltimore County Landscape Manual as determined by the Current Planning and Development Division, Office of Planning and Zoning. In addition thereto, four mature trees at

- 4 -



ORDER RECEIVED FOR FILING

DATE January 16, 1985

BY John P. Kelly

ADMINISTRATIVE ASSISTANT

The Petitioners seek relief from Section 230.13, pursuant to Section 502.1, and from Section 232.2.b and 3.b, pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

After reviewing all of the testimony and evidence presented, it appears that the special exception as applied for should be granted, with certain restrictions as more fully described below.

The Petitioners had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioners have shown that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest. The facts and circumstances of the use proposed by the Petitioners do not show that the proposed use

- 2 -

ORDER RECEIVED FOR FILING

DATE January 16, 1985

BY John P. Kelly

ADMINISTRATIVE ASSISTANT

AJ/srl

cc: Mr. & Mrs. William T. Stevens
G. Scott Barnhart, Esquire
People's Counsel

least twelve feet in height, which may either be deciduous or evergreen, must be planted on the east property for the width of the proposed building, i.e., thirty feet, and parallel to it.

Zoning Commissioner of
Baltimore County

- 3 -

at the particular location described by Petitioners' Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way inconsistent with the spirit and intent of the BCZR.

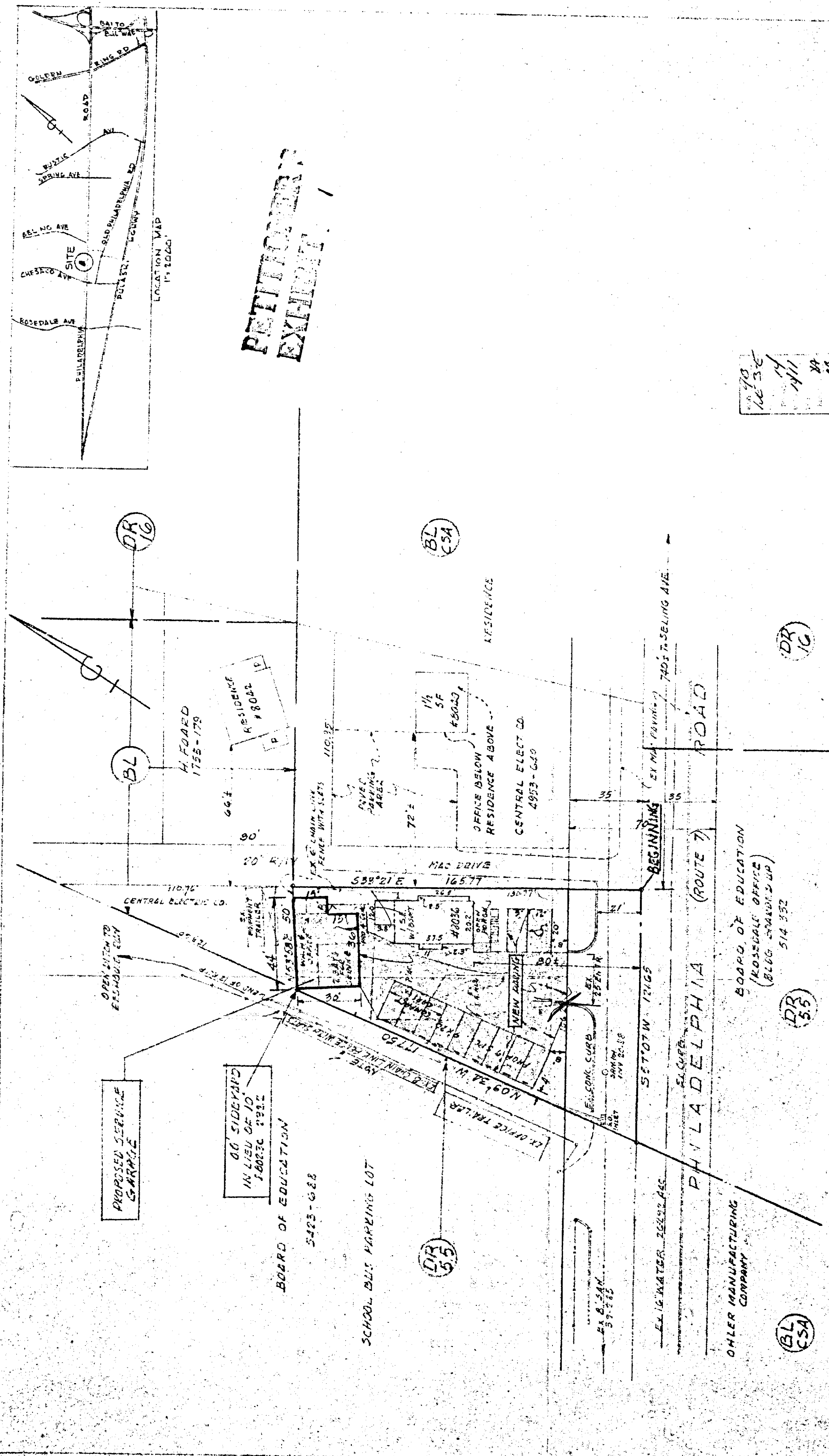
An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render performance unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not granted. It has been established that the requirement the Petitioners seek relief from here would unduly restrict the use of the



NOTE: NO CHANGING VEHICLE PARKING PERMITTED OUTSIDE SERVICE AREA.

ZONING
BL CSA

OWNER:
WILLIAM T. STEVENS
8030 PHILADELPHIA RD
BALTIMORE, MD 21237
FAX: 410-683-5431
14-20-067850
LOT AREA: 1.07 AC
EXISTING BUILDING: 1758 SF
ASPH. DRIVE FLOOR: 1475 SF
TOTAL: 3233 SF

PAVING DATA
CUST. BUS: 200 (11' x 14') = 9 SPACES
CUST. BUS: 1200 (12' x 10') = 12 SPACES
TOTAL: 21 SPACES

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SCALE: 1"=50' SEPT. 27, 1984
GERO D. CROSS & ETZEL
Registered Professional Surveyors
TOWSON, MARYLAND 21204



MAY 15 1985